Solely in order to expedite, claim 1 has been amended to additionally recite the features recited on claims 2 and 3. In addition, the other independent claims have been amended to additionally recite the features recited in claim 2 and 3. The Applicant reserves the right to pursue claims of the original scope in a continuation application.

The Applicant respectfully reiterates the arguments submitted in an amendment dated June 30, 2004 and submits that the claimed invention is patenable over U.S. Patent No. 5,778,181 (*Hidary et al.*). Furthermore, the Applicant respectfully traverses the Examiner's rejection for these additional reasons.

(a) *Hidary et al.* does NOT teach or suggest: an application programming interface including a listener interface which can be used to generate a listener that determines whether synchronized data transmitted by a broadcaster is available for access (Claim 1)

Contrary to the Examiner's assertion (Final Office Action, page 6, citing *Hidary et al.*, *Col. 4, line 64*), it is respectfully submitted that *Hidary et al.* does NOT teach an application programming interface the can determine if synchronized data transmitted by a broadcaster is available for access. In the Office Action, the Examiner seems to be asserting that a Java-enabled web browser of *Hidary et al.* teaches this feature (Office Action, page 6). This assertion is based on a statement in *Hidary et al.* that notes: a Java enabled browser allows a computer (16) to retrieve Web pages (*Hidary et al.*, *Col. 4, line 64*). Clearly, a web browser which allows retrieval of Web pages does NOT teach an application programming interface the can determine if synchronized data transmitted by a broadcaster is available for access because, among other things, there is a grave distinction between an application programming interface and a web browser. This grave distinction is generally known in the art, as evidenced by the definition of these two terms in various technical literature (See, for example, in the Microsoft Computer Dictionary, fifth edition). An application programming interface can be defined as set of routines used by an application program (Microsoft Computer Dictionary, fifth edition, page 33, which is submitted herewith for the Examiner's convenience). On the other hand, a web browser is software that lets a user view

HTML documents and access files and software related to those documents. (Microsoft Computer Dictionary, fifth edition, page 562, which is also provided herewith). As also noted in the specification, an application program (402) can use the API provided in accordance with one embodiment of the invention to initiate one or more listener interfaces (specification, page 9). A listener object is an instance of a class that implements a special interface called a listener interface. Also, as noted in the specification, a listener interface may be implemented as a Java public abstract interface for providing notification of pending synchronized data that is available for access (Specification, page 11). Clearly, a control panel is NOT a listener interface of an application programming interface. Clearly, the browser of *Hidary et al.* which lets a user view HTML documents and access files is NOT an application programming interface that can be used by an application program. Therefore, it is respectfully submitted that even under the broadest reasonable interpretation the web browser or the control panel noted in *Hidary et al.* cannot possibly teach or suggest an application programming interface which can be used to generate a listener that determines whether synchronized data transmitted by a broadcaster is available for access.

(b) *Hidary et al.* does NOT teach or suggest: a point of access interface which can be linked to a listener and used by the application program to access the synchronized data transmitted by a broadcaster (claim 1)

In the Final Office Action, the Examiner has asserted that "a Java-based browser that allows a user to display web sites further reads on the claimed point of access API." (Final Office Action, page 6). Hence, the Examiner seems to be asserting that the Java-based browser that allows a user to display web sites teaches both an application programming interface and an a point of access interface which provides the application programming interface with access to synchronizing a data. Clearly, the Java-based browser of *Hidary et al.* cannot reasonably be considered to be both an interface and a point of access to itself. Moreover, as noted above a listener object of an application programming interface is generally known in the art to refer to an instance of a class the implements a special interface and not a web browser.

Accordingly, it is respectfully that a Java-based browser that allows a user to display web sites does NOT teach or suggest: a point of access interface which can be

linked to a listener (discussed above) and used by the application program to access the synchronized data transmitted by a broadcaster.

(c) *Hidary et al.* does NOT teach or suggest: an application program initiating a request to access a first selected portion of synchronized data by initiating a listener and waiting for a first notification that indicates the first selected portion of data is available (claim 23)

Contrary to the Examiner's assertion (Office Action, page 8), it is respectfully submitted that a control panel which is capable of receiving URL's and displaying them does NOT teach or even remotely suggest initiating a request to access a first selected portion of synchronized data by initiating a first listener and waiting for a first notification that indicates the first selected portion of data is available, thereby allowing the application program to access data through a first point access which has been linked to the first listener.

CONCLUSION

Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. SUN1P506). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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